

MINTZ LEVIN

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September 29, 2011

BY ECF

AUSA Karin Orenstein
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Khouli, et al., CR 11 - 340 (ERK)

Dear Karin:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, we seek production of what is, in our view, the core discovery in this case, including the emails obtained by the Government by search warrant. Notably, we have not received the emails seized pursuant to a search warrant for Joe Lewis' email account. *See* Khouli 000002047.¹

We have no other way to access this critical information because Mr. Lewis' computers were seized and have yet to be returned, even though two months have passed since his arrest, and approximately 14 months have passed since the search warrant authorizing your seizure of his and other accounts. We are preparing Mr. Lewis' defense, including (as you know from our last appearance) a motion to dismiss and would be able to file it well before the October 28 status conference but cannot do so until we see this material.

We also request the GJ Associates report prepared for Chartis with respect to Mr. Lewis' property this summer. If the report is not personally in your possession, we request that you ask the rest of the prosecution team, including law enforcement agents, whether they have the report.

¹ We also note that the supporting affidavit is stamped "REDACTED," *see* Khouli 000002011, and seek the redacted material or an explanation why material is redacted.

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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We understand that Chartis has denied supplying this report to Mr. Lewis because it is "confidential."

Best regards,

A handwritten signature in black ink, appearing to read "Peter A. Chavkin" and "Bridget M. Rohde" joined together.

Peter A. Chavkin
Bridget M. Rohde

By ECF

cc: Clerk of Court (ERK)

Gerald Shargel, Esq. and Ross Kramer, Esq.

Henry Mazurek, Esq.